

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
08-CR-186

WALLACE PEACE,

Defendant.

This case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1). On September 2, 2009, defendant filed a motion to suppress statements and other non-discovery relief. On August 5, 2010, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendant's motion to suppress statements made prior to Miranda warnings being given be granted, but that his motion to suppress oral and written statements made after Miranda warnings were given be denied.

Defendant filed objections to the Report and Recommendation on September 8, 2010, and the government filed a response thereto. Oral argument on the objections was held on December 21, 2010.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument

from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendant's motion to suppress statements made pre-Miranda is granted, but suppression of oral and written statements made after Miranda warnings were given is denied.

The parties shall appear in Court on January 24, 2011 at 9:00 a.m. for a status conference.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: January 21 , 2011